

## **APPROVED**

### **PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**December 12, 2007**

#### **I. ROLL CALL**

Present: Tabladillo and Williams  
Absent: Azevedo  
Staff: Ah Sing, Bejines, Kunsman, Ogaz and Lindsay

#### **1. "S" ZONE AMENDEMENT NO. SA2007-59**

Sheldon Ah Sing, Senior Planner, presented a request to replace the existing Sheraton logo, restaurant sign, install wall plaques and install a 5 foot, 5 inch monument sign on the east portion of the site located at 1801 Barber Lane. Mr. Ah Sing recommended approval as submitted.

**Motion** to approve "S" Zone Amendment No. SA2007-59.

M/S: Williams/Tabladillo

AYES: 2

NOES: 0

#### **2. "S" ZONE AMENDEMENT NO. SA07-0002**

Tiffany Kunsman, Junior Planner, presented a request to remove 1,722 sq. ft. of landscaping and remove and replace two 6" diameter trees and one 20" diameter tree to allow for site upgrades to repair/replace 10,971 sq. ft. of sidewalk to meet ADA compliance requirements and place a 315 sq. ft. storage unit that sits nine feet tall at the rear of the property located at 510 Cottonwood Drive. Ms. Kunsman recommended approval subject to findings and conditions of approval.

**Motion** to approve "S" Zone Amendment No. SA07-0002.

M/S: Williams/Tabladillo

AYES: 2

NOES: 0

#### **II. ADJOURNMENT**

This meeting was adjourned at 6:45 p.m.

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### **PLANNING COMMISSION MINUTES**

**December 12, 2007**

#### **I. PLEDGE OF ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

#### **II. ROLL CALL**

Present: Ali-Santosa, Ciardella, Mandal, Sandhu, Tabladillo and Williams  
Absent: Azevedo  
Staff: Ah Sing, Bejines, Gilli, Kunsman, Lindsay, Maxwell and Ogaz

#### **III. PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

#### **IV. APPROVAL OF MINUTES November 14, 2007**

Chair Williams called for approval of the minutes of the Planning Commission meeting of November 14, 2007.

There were no changes to the minutes

**Motion** to approve the minutes of November 14, 2007.

M/S: Mandal/Sandhu

AYES: 4

NOES: 0

ABSTENTIONS: 2 (Tabladillo – absent from the meeting and Sandhu- on Item No. 3 only - Conditional Use Permit No. UP2007-23, "S" Zone Amendment No. SA2007-52, and Environmental Assessment No. EA2007-9)

#### **V. ANNOUNCEMENTS**

Chair Williams announced he has been meeting with the planning director on how to better streamline the planning process and staff will be working on a zoning ordinance to bring it up to date. He also announced that the American Institute of Architects (AIA) will be presenting to the Planning Commission on January 23<sup>rd</sup> at 5:30 p.m.

#### **VI. CONFLICT OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no commissioners who identified a conflict of interest.

**APPROVED**

**Planning Commission Minutes**

December 12, 2007

**VII.  
APPROVAL OF  
AGENDA**

Chair Williams called for approval of the agenda.

Mr. Lindsay recommended removal of Item No. 2 (Conditional Use Permit No. UP2007-18 and "S" Zone Amendment No. SA2007-0003) from the agenda because the applicant is withdrawing their application.

**Motion** to remove Agenda Item No. 2 from the agenda.

M/S: Williams/Sandhu

AYES: 6

NOES: 0

**Motion** to approve the agenda.

M/S: Williams/Sandhu

AYES: 6

NOES: 0

**VIII.  
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Consent Item Nos. 3 and 4.

There were no speakers from the audience.

**Motion** to close the public hearing on Consent Item Nos. 3 and 4.

M/S: Mandal/Tabladillo

AYES: 6

NOES: 0

**Motion** to approve Consent Item Nos. 3, 4 and 5.

M/S: Mandal/Tabladillo

AYES: 6

NOES: 0

**\*3 CONDITIONAL USE PERMIT AMENDMENT NO. UA2007-15:** A request to relocate the Centria Sales Center from its temporary sales office location to a permanent location within the Centria East Building located at 1101 South Main Street. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

**\*4 CONDITIONAL USE PERMIT AMENDMENT NO. UA07-0001:** A request to amend a previously approved Conditional Use Permit to allow for the relocation of the KB-Home Sales Office from the existing offsite sales commercial building to an onsite first floor area of a residential unit located at 700 South Abel Street, Unit #102. *(Recommendation: Approval Subject to Findings and Conditions of Approval)*

**\*5 ADMINISTRATIVE ITEM NO. (AD07-0002):** Approve 2008 Planning Commission meeting schedule provided in the agenda packet. (*Recommendation: Approve*)

**IX.  
PUBLIC HEARING**

**1. CONDITIONAL USE  
PERMIT NO. UP2007-29  
AND "S" ZONE  
AMENDMENT NO.  
SA2007-67**

Judie Gilli, Associate Planner, presented a request to allow a children's entertainment center including a restaurant, redemption games and retail merchandising located at 1450 Great Mall Drive. Exterior improvements include a new entrance and sign. Ms. Gilli recommended approval subject to findings and conditions of approval.

Commissioner Tabladillo is concerned about children's safety because the entrance is located near a busy corner and asked staff if they could implement mitigation measures. Mr. Lindsay said that staff will work with the applicant to implement more safety measures.

Chair Williams suggested that staff work with the Mall and the applicant to put a condition of approval that they stripe the corner, install a "slow" sign and or speed limit sign.

Commissioner Tabladillo asked if the play structures are painted with paint made out of lead. Ms. Gilli deferred the question to the applicant.

Commissioner Ciardella pointed out the second floor mezzanine area and asked if there will be an elevator installed? He also asked if there will be a wall around the mezzanine to protect the children from falling over. Ms. Gilli deferred the question to the applicant.

Vice Chair Mandal asked what type of food will be prepared in the kitchen area. Ms. Gilli said they will prepare pizza and salads.

Chair Williams introduced the applicant.

**Rick Tran, 28998 Jenny Way, Hayward, CA, and Nick Dang, 187 Air Lane, Milpitas, CA,** said Bouncearama is a one of a kind venue and they want to serve the community, families and kids and bay area. They are available to answer any questions.

Commissioner Tabladillo said there are so many issues around lead paint and asked if their products will be lead free?

Mr. Tran said the vendors that provide inflatable structures are approved and regulated by the state they operate in and they provide equipment specifications which he could share with the Commission.

Commissioner Tabladillo asked how does the operation of the business work.

Mr. Dang said the business originally started as family day and kids are charged at an hourly rate. The equipment can handle the adults so the parents can play for free. The house rule is that parents cannot go there without kids and parents cannot leave without kids and kids cannot leave without parents. He also pointed out that this is Bouncearama's third location.

Commissioner Tabladillo asked if they offer banquet facilities where kids can have parties and Mr. Dang said yes.

Vice Chair Mandal asked about the other facilities. Mr. Dang said they first tested out the market at their New Park Mall facility and it brought a lot of energy and spirit to the mall and ranked number four in foot traffic. They have another location in Eureka where they first started out with a playground and parents wanted to eat with their kids.

Vice Chair Mandal asked if customers can bring their own food? Mr. Dang said that the only food allowed will be prepped at the facility by trained staff however customers could bring in a birthday cake.

Commissioner Ciardella asked if an elevator will be installed so that the disabled could travel to the 2<sup>nd</sup> floor mezzanine area? Mr. Tran said their architect recommended that they do not have an elevator because the same services that are offered on the first floor will be offered on the second floor.

Commissioner Ciardella asked if the mezzanine area is open? Mr. Dang said that it is open and is a vista point for the parents to look at their children play.

Commissioner Ciardella asked how big is the mezzanine wall and Mr. Tran said it is a glass rail wall and is about 4 ½ feet in height.

Commissioner Ciardella asked how close are the tables to the wall and Mr. Dang said the tables will not be adjacent to the wall.

Commissioner Ciardella said he is worried about kids falling over and asked staff if they could implement mitigation measures.

Commissioner Ciardella asked if the floor will be rubberized and Mr. Tran said the floor will be covered with thick carpet and mats.

Chair Williams asked if the applicants have mitigation measures to address clean up. Mr. Tran said they have experience with vomit odor clean up and onsite staff is responsible to take care of those incidents right away. They also take a proactive approach by sanitizing the play surfaces and making sure that the kids play before they eat and having the parents there with the kids onsite.

Commissioner Tabladillo agreed with Commissioner Ciardella's concerns regarding the height of the mezzanine wall. Mr. Tran assured the Commission that they will work with staff and their architect to ensure that the 2<sup>nd</sup> floor will be safe for the children.

Commissioner Ciardella said he would still like to see the applicant include an elevator in their plans.

James Lindsay, Planning and Neighborhood Services Director, said unfortunately the elevator would fall out of the Planning Commission review. The American with Disabilities Act (ADA) is heavily regulated both at federal and state levels. He said what could be within the purview of the commission would be to have signs posted that people with disabilities get priority seating.

After further discussion ensued among the Commission and the applicant, Mike Ogaz, City Attorney, came up with the following added special conditions:

- *The applicant shall work with staff to assure appropriate traffic/pedestrian control measures are in place to address safety concerns at the main exterior entrance to the satisfaction of the Planning Director.*
- *The applicant shall provide adequate assurance that the premises constitutes a lead-free environment for the public, to the satisfaction of the Planning Director.*
- *The mezzanine tables and seating shall be fixed to the floor and not be located near the perimeter railing, which shall be no less than five feet in height, to provide for child safety, to the satisfaction of the Building Official.*
- *The operator of the business shall give priority to people with disabilities regarding the usage of the ground floor facilities.*

**Motion** to approve Conditional Use Permit No. UP2007-29 and "S" Zone Amendment No. SA2007-67 subject to findings and conditions of approval and the added conditions of approval.

M/S: Mandal/Tabladillo

AYES: 6

NOES: 0

## **X. OLD BUSINESS**

### **2. "S" ZONE APPROVAL NO. SZ2005- 10 AND USE PERMIT NO. UP2006-19**

Cindy Maxwell, Project Planner, presented compliance with special condition no. 20, floor plan review and recommended approval of the project.

Commissioner Tabladillo asked if there are ten chairs for one doctor and Ms. Maxwell said yes.

Commissioner Ciardella asked how many dental assistants will the doctor have? Ms. Maxwell deferred the question to the applicant.

Chair Williams introduced the applicant.

**Marlene Mao, 47904 Avalon Heights Terrace, Fremont, CA**, said there will be two doctors working but they will not be working at the same time. She said she will be working 16 hours a day, and the 8 to 10 hours she is spent with clients, the rest of the hours she will be working in her lab doing research. She said she likes to have her own chairs so they will not be shared. She also noted that the average patient is three to four patients an hour because she also does orthodontic treatment so the chair turnover is really quick.

Commissioner Ciardella pointed out the minutes dated November 8, 2006 where Dr. Mao was quoted as saying she was going to install six to eight chairs but they will not be fully used and that she was not going to hire dental technicians.

Dr. Mao clarified she will be hiring a dental assistant and associate and about three others.

Commissioner Ciardella is concerned about shortage of parking and asked Dr. Mao if her employees could park on the street and Dr. Mao said no.

**APPROVED**  
**Planning Commission Minutes**  
December 12, 2007

Mr. Lindsay said the applicant is in compliance with the zoning ordinance requirements and staff wanted to comply with the condition of approval and show that the whole floor is being used as a dental facility. It would be outside the bounds of the commission to require more parking for the dental office. If the commission felt that that the parking ordinance is inadequate in parking for dental offices or that the parking requirement is outdated, the commission could direct staff to do research and bring it back to the commission. Mr. Lindsay also does not think a condition on the applicant's project would be necessary.

Commissioner Tabladillo, Commissioner Mandal and Chair Williams agreed with Commissioner Ciardella and asked staff to study the issue and bring it back for clarification and compare it to other cities.

Commissioner Tabladillo said there was a parking task force and asked if dental parking was included? Mr. Lindsay said he does not believe that medical office was a part of it and also pointed out that in January, the Planning Commission will need to appoint a new member to the task force.

**Motion** to approve "S" Zone Approval No. SZ2005-10 and Use Permit No. UP2006-19 that the project is in compliance with special condition no. 20.

M/S: Mandal/Tabladillo

AYES: 6

NOES: 0

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:21 p.m. to the next regular meeting of January 9, 2008.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

The foregoing minutes were approved by the Milpitas Planning Commission as submitted on January 9, 2008.

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Veronica Bejines  
Recording Secretary

**APPROVED**  
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December 12, 2007